

**2018 No. 213**

**ANIMAL HEALTH**

**The Transmissible Spongiform Encephalopathies Regulations  
(Northern Ireland) 2018**

*Made* - - - - - *13th December 2018*

*Coming into operation* - - - - - *3rd January 2019*

The Department of Agriculture, Environment and Rural Affairs<sup>(a)</sup> under the powers conferred by section 2(2) of, as read with paragraph 1A of Schedule 2 to, the European Communities Act 1972<sup>(b)</sup> makes the following Regulations.

It is designated<sup>(c)</sup> for the purposes of that section in relation to measures in the veterinary and phytosanitary fields for the protection of public health.

It has carried out the consultation required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(d)</sup>.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department that it is expedient for references to EU instruments referred to in Schedule 1 to be construed as references to those instruments as amended from time to time.

**PART I**

**GENERAL PROVISIONS**

**Citation and commencement**

**1.** These Regulations may be cited as the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2018 and come into operation on 3rd January 2019.

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- (a) Formerly the Department of Agriculture and Rural Development (DARD see Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)). DARD was renamed the Department of Agriculture, Environment and Rural Affairs (DAERA) by Article 1(2) of the Departments Act (Northern Ireland) 2016 c.5 (N.I.).
- (b) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and section 3(3) of the European Union (Amendment) Act 2008 (c.7)
- (c) S.I. 1999/2027
- (d) O.J. No. L 31, 1.2.2002, p. 1, as last amended by Commission Regulation (EU) No. 2017/228 (O.J. No. L 35, 10.2.2017, p. 10)

## Interpretation

### 2.—(1) In these Regulations—

“bovine animal” includes bison and buffalo (including water buffalo);

“BSE” means bovine spongiform encephalopathy;

“cattle passport” has the same meaning as in the Cattle Passport Regulations (Northern Ireland) 1999(a);

“Commission Decision 2007/411/EC” means Commission Decision 2007/411/EC prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1st August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No. 999/2001 and repealing Decision 2005/598/EC(b);

“cutting plant” (except in Schedule 7, paragraph 9(3)(b)(iii)) has the meaning given to it in paragraph 1(17) of Annex I to Regulation (EC) No. 853/2004, and is an establishment which is—

- (a) approved or conditionally approved as such by the Food Standards Agency(c) under Article 31(2) of Regulation (EC) No. 882/2004(d); or
- (b) operating as such under Article 4(5) of Regulation (EC) No. 853/2004, pending such approval;

“the Department” means the Department of Agriculture, Environment and Rural Affairs;

“EU TSE Regulation” means Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies(e), as read with—

- (a) Commission Decision 2007/411/EC;
- (b) Commission Decision 2007/453/EC establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk(f); and
- (c) Commission Decision 2009/719/EC authorising certain Member States to revise their annual BSE monitoring programmes(g);

“inspector” means an inspector appointed under regulation 13, and includes a veterinary inspector;

“keeper” in relation to an animal means any natural or legal person responsible for that animal whether on a permanent or temporary basis including during transportation or at a market;

“market value” means—

- (a) in the case of a bovine animal, the price which might reasonably have been obtained for the animal at the time of valuation from a purchaser in the open market if the animal was not required to be killed under Schedule 3; and
- (b) in the case of an ovine or caprine animal, the price which might reasonably have been obtained for the animal at the time of valuation from a purchaser in the open market if the animal was not from a flock or herd affected by a TSE;

“official document” must be construed in accordance with regulation 7(1);

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(a) S.R. 1999 No. 324 as last amended by S.R. 2012 No. 416

(b) O.J. No. L 155, 15.6.2007, p. 74

(c) Established by the Food Standards Act 1999 c. 28

(d) O.J. No. L 165, 30.4.2004, p. 1. The revised text of Regulation (EC) No 882/2004 is now set out in a Corrigendum (OJ No. L 191, 28.5.2004, p. 1), which should be read with a further Corrigendum (O.J. No. L 204, 4.8.2007, p. 29). Regulation (EC) No. 882/2004 was last amended by Commission Regulation (EU) No. 2018/455 (O.J. No. L 77, 20.3.2018, p. 4-5)

(e) O.J. No. L 147, 31.5.2001, p. 1, as last amended by Commission Regulation (EU) No. 2018/969 (O.J. No. L 174, 10.7.2018, p. 12)

(f) O.J. No. L 172, 30.6.2007, p. 84, as last amended by Commission Implementing Decision (EU) No. 2017/1396 (O.J. No. L 197, 28.7.2017, p. 9)

(g) O.J. No. L 256, 29.9.2009, p. 35, as last amended by Commission Implementing Decision (EU) No. 2016/851 (O.J. No. L 141, 28.5.2016, p. 131)

“offal” has the meaning given to it in point 1(11) of Annex I to Regulation (EC) No. 853/2004;

“premises” includes—

- (a) domestic premises if they are being used for any purpose in connection with the EU TSE Regulation or these Regulations;
- (b) land and outbuildings;
- (c) a slaughterhouse;
- (d) a place that is, for the purposes of point 4(1)(a) of Annex V, another place of slaughter; and
- (e) any vehicle, container or structure (moveable or otherwise);

“Regulation (EC) No. 853/2004” means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(a), as read with—

- (a) Directive 2004/41/EC of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC(b);
- (b) Commission Regulation (EC) No. 1688/2005 implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(c); and
- (c) Commission Regulation (EC) No. 2074/2005 laying down implementation measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(d);

“Regulation (EC) No. 882/2004” means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(e), as read with Commission Regulation (EC) No. 2074/2005;

“Regulation (EC) No. 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption as implemented by Commission Regulation EU No. 142/2011(f);

“restriction” includes any prohibition under these Regulations;

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- (a) O.J. No. L 139, 30.04.2004, p. 55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L 226, 25.6.2004, p. 22) which should be read with a further Corrigendum (O.J. No. L 204, 4.8.2007, p. 26). Regulation (EC) No. 853/2004 is last amended by Commission Regulation (EU) No. 2017/1981 (O.J. No. L 285, 1.11.2017, p. 10)
  - (b) O.J. No. L 157, 30.4.2004, p. 33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (O.J. No. L 195, 2.6.2004, p. 12)
  - (c) O.J. No. L 271, 15.10.2005, p. 17, as last amended by Commission Implementing Regulation (EU) No. 1223/2011 (O.J. No. L 314, 29.11.2011, p. 12)
  - (d) O.J. No. L 338, 22.12.2005, p. 27, as last amended by Commission Regulation (EU) No. 2017/1973 (O.J. No. L 281, 31.10.2017, p. 21)
  - (e) O.J. No. L 165, 30.4.2004, p. 1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (O.J. No. L 191, 28.5.2004, p. 1), which should be read with a further Corrigendum (O.J. No. L 204, 4.8.2007, p. 29). Regulation (EC) No. 882/2004 was last amended by Commission Regulation (EU) No. 2018/455 (O.J. No. L 77 20.3.2018 p. 4-5)
  - (f) O.J. No. L 300, 14.11.2009, p. 1, as last amended by Council Regulation (EU) No. 1385/2013 (O.J. No. L 354, 28.12.2013, p. 86)

“slaughterhouse” has the meaning given to it in point 1(16) of Annex I to Regulation (EC) No. 853/2004, and is an establishment which is approved or conditionally approved as such by the Food Standards Agency under Article 31(2) of Regulation (EC) No. 882/2004;

“specified risk material” has the meaning given to it in Article 3(1)(g);

“third country” means any country which is not a member State of the EU;

“TSE” means transmissible spongiform encephalopathy; and

“veterinary inspector” means a person appointed by the Department as a veterinary inspector.

(2) Expressions that are not defined in these Regulations and occur in the EU TSE Regulation have the same meaning in these Regulations as they have for the purposes of the EU TSE Regulation, and references in these Regulations to Articles or Annexes are to Articles or Annexes of the EU TSE Regulation.

(3) References in these Regulations to the following EU instruments—

- (a) The EU TSE Regulation;
- (b) Regulation (EC) No. 853/2004;
- (c) Regulation (EC) No. 882/2004;
- (d) Commission Decision 2007/411/EC;
- (e) Commission Decision 2007/453/EC;
- (f) Commission Decision 2009/719/EC;
- (g) Regulation (EC) No. 1069/2009; and
- (h) Commission Regulation (EU) No. 142/2011(a);

are references to those EU instruments as amended from time to time.

(4) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

### **Appointment of competent authority**

**3.** The Department is the competent authority for the purposes of the EU TSE Regulation except as otherwise specified in these Regulations.

### **Exception for research**

**4.—(1)** The provisions of Schedules 2 to 8 do not apply in relation to an animal, a carcase or a sample kept for the purposes of research in premises approved for that purpose under this regulation by the Department.

(2) If a bovine, ovine or caprine animal, kept in approved research premises under this regulation or its progeny dies or is killed, the occupier must dispose of it as a Category 1 animal by-product in accordance with Regulation (EC) No. 1069/2009 and failure to do so is an offence.

## **PART II**

### **TSE CONTROLS**

#### **TSE requirements**

**5.—(1)** For the purposes of Article 11, any person who has in their possession or under their control any animal suspected of being infected with a TSE must immediately notify the

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(a) O.J. No. L 54, 26.2.2011, p. 1, as last amended by Commission Regulation (EU) No. 2017/1262 (O.J. No. L 182, 13.7.2017, p. 34)

(b) 1954 c.33 (N.I.)

Department and detain it on such premises as the Department may specify until it has been examined by a veterinary inspector.

(2) Any veterinary surgeon who examines or inspects any such animal must, with all practical speed, notify the Department.

(3) Any person who examines the carcase of an animal in a laboratory and who reasonably suspects the presence of a TSE must immediately notify the Department and retain the carcase until a veterinary inspector has authorised disposal.

(4) Any person must comply with the TSE requirements identified in Schedule 1, and—

- (a) any instructions given by an inspector and co-operate with the Department in delivering the TSE monitoring requirements as set out in Annex III;
- (b) any instructions given by an inspector and co-operate with the Department in taking action to control and eradicate TSE as set out in Annex VII;
- (c) the requirements in Annex IV for the production, use of equipment, packaging, storage and transport of animal feed;
- (d) Annex IV animal feeding requirements;
- (e) the prohibitions concerning animal feeding contained in Article 7, unless the animal feed products are produced using production and manufacturing processes approved by the EU Commission;
- (f) with the requirements for dealing with specified risk material contained in Article 8 and Annex V and Schedule 7;
- (g) the restrictions set down in Schedule 8; and
- (h) the provisions in Annex VIII concerning the placement of animals or products on the market or for export.

(5) Failure to comply with this regulation is an offence.

### **The Schedules**

6. The following Schedules have effect—

- (a) Schedule 1 (TSE requirements);
- (b) Schedule 2 (TSE monitoring);
- (c) Schedule 3 (control and eradication of TSE in bovine animals);
- (d) Schedule 4 (control and eradication of TSE in ovine and caprine animals);
- (e) Schedule 5 (control and eradication of TSE in animals other than bovine, ovine or caprine animals);
- (f) Schedule 6 (feedingstuffs);
- (g) Schedule 7 (specified risk material, mechanically separated meat and slaughtering techniques); and
- (h) Schedule 8 (restrictions on placing on the market and export).

## **PART III**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Approvals, authorisations, licences and registrations**

7.—(1) The Department must grant an approval, authorisation, licence or registration under these Regulations (“an official document”) if it is satisfied that the provisions of the EU TSE Regulation and these Regulations will be complied with.

(2) An official document must be in writing, and must specify—

- (a) the address of the premises to which it relates;
  - (b) the name of the occupier; and
  - (c) the purpose for which it is granted.
- (3) An official document may be made subject to such conditions as are necessary to—
- (a) ensure that the provisions of the EU TSE Regulation and these Regulations will be complied with; or
  - (b) protect public or animal health.
- (4) If the Department refuses to grant an official document, or grants one subject to conditions, it must—
- (a) give its reasons in writing; and
  - (b) explain that the applicant has the right to make written representations to a person appointed by the Department.
- (5) The appeals procedure in regulation 11 then applies.

### **Occupier's duty**

**8.** The occupier of any premises approved, authorised, licensed or registered under these Regulations commits an offence if they do not ensure that—

- (a) the premises are maintained and operated in accordance with—
  - (i) any condition of the approval, authorisation, licence or registration;
  - (ii) the requirements of the EU TSE Regulation and these Regulations; and
- (b) any person employed by them, and any person permitted to enter the premises, complies with those conditions and requirements.

### **Suspension and amendment of official documents**

- 9.—**(1) The Department may suspend or amend an official document if—
- (a) any of the conditions under which it was granted are not fulfilled; or
  - (b) it is satisfied that the provisions of the EU TSE Regulation or of these Regulations are not being complied with.
- (2) The Department may amend an official document if the Department considers it necessary in the light of technical or scientific developments.
- (3) A suspension or amendment under this regulation—
- (a) may have immediate effect if the Department considers it necessary for the protection of public or animal health;
  - (b) otherwise it must not have effect for at least 21 days from notification.
- (4) A suspension or amendment of an official document under this regulation must be notified to the holder thereof and must—
- (a) be in writing;
  - (b) state when the suspension or amendment comes into effect;
  - (c) give the reasons; and
  - (d) explain that the person who has been notified has the right to make written representations to a person appointed by the Department.
- (5) The appeals procedure in regulation 11 then applies.
- (6) If the suspension or amendment under this regulation does not have immediate effect and representations are made under regulation 11, it must not have effect until the final determination of the appeal by the Department unless the Department considers that it is necessary for the protection of public or animal health for the amendment or suspension to have effect before then.

## **Revocations of official documents**

**10.**—(1) The Department may revoke an official document if it is satisfied that the premises to which it relates will not be operated in accordance with the EU TSE Regulation or these Regulations, and if—

- (a) the document is currently suspended and the period for appeal under regulation 11 has expired or the Department has upheld the suspension following such appeal;
- (b) the Department has previously suspended the document and there is further non-compliance with the EU TSE Regulation or these Regulations; or
- (c) the Department is satisfied that the occupier no longer uses the premises for the purpose for which the document was granted.

(2) Notification of the revocation of an official document must—

- (a) be in writing;
- (b) state when the revocation comes into effect;
- (c) give the reasons; and
- (d) explain that the person who has been notified has the right to make written representations to a person appointed by the Department.

(3) If the Department revokes an official document under paragraph (1)(b) or (1)(c) the appeals procedure in regulation 11 applies but the revocation remains in force during that appeals procedure.

## **Appeals**

**11.**—(1) A person may, within 21 days of the date of notification of a decision to which this regulation applies, make written representations concerning the decision to a person appointed for the purpose by the Department.

(2) The Department may make written submissions to the appointed person concerning its decision.

(3) The appointed person must then report in writing to the Department which must make a final determination in relation to the decision to which the report relates.

(4) That final determination may affirm, vary or revoke the decision to which the report relates.

(5) The Department must give to the appellant written notification of its final determination and the reasons for it.

(6) Unless the Department determines that action under these Regulations must be taken immediately due to a risk to public health or human health or welfare, no action may be taken by the Department to kill any animal or destroy any thing under these Regulations until—

- (a) the 21 day period has expired without any appeal being lodged;
- (b) if there is an appeal, that appeal is determined or withdrawn.

(7) A person who is aggrieved by the final determination of the Department under paragraph (5) may, within 21 days of the issuing of the notification of the determination, appeal against that determination to a court of summary jurisdiction.

## **Valuations**

**12.**—(1) This regulation applies when a valuation is necessary under these Regulations.

(2) The value of anything for the purposes of these Regulations must be initially assessed by the Department and notified, in writing, to the owner. Value must be determined by agreement between the owner and the Department and that agreement must be final and binding on both the owner and the Department.

(3) If the owner and the Department fail to agree the value, the owner must select a valuer (“the nominated valuer”) from a list of approved valuers provided by the Department and notify the

Department of the name and address of the nominated valuer within 2 working days of receipt of the list.

(4) The owner must, within 5 working days of notification to the Department under paragraph (3), arrange for the nominated valuer to determine the value of the thing in question and must be liable for any fees or other expenses incurred by the valuer in carrying out the valuation.

(5) The nominated valuer must carry out the valuation within 5 working days of appointment and give to the owner and the Department a statement in writing of that valuation.

(6) The valuation is binding on both the owner and the Department.

(7) Where the owner or the nominated valuer fails to comply with paragraph (3), (4) or (5) as the case may be, the Department must determine the value of the thing in question.

(8) In this regulation “owner” means the owner of the animal or product in question.

### **Appointment of inspectors**

**13.**—(1) The Department must appoint inspectors for the purposes of the enforcement of the EU TSE Regulation or these Regulations except as specified in paragraph (2).

(2) The Food Standards Agency must appoint inspectors for the purposes of enforcing Schedule 7 and paragraphs 1, 3 and 4 of Schedule 8 in relation to a slaughterhouse or cutting plant.

(3) The appointment of an inspector (whether under paragraph (1) or (2)) may be limited to the powers and duties specified in the appointment.

### **Powers of entry**

**14.**—(1) Inspectors have a right to enter any premises for the purpose of ensuring that the EU TSE Regulation or these Regulations are being complied with.

(2) They must, if so required, produce some duly authenticated document showing their authority before exercising their right under paragraph (1).

(3) They may exercise their right under paragraph (1) at all reasonable hours.

(4) They may take with them such other persons as they consider necessary.

(5) If inspectors enter any unoccupied premises or (where the premises are occupied) the occupier of the premises is temporarily absent they must leave those premises (so far as reasonably practicable) as effectively secured against unauthorised entry as they found them.

(6) If a lay magistrate, on sworn complaint in writing, is satisfied that there are reasonable grounds for entry into any premises for the purposes of the enforcement of these Regulations, and—

(a) admission has been refused, or a refusal is expected, and (in either case) notice to apply for a warrant has been given to the occupier;

(b) asking for admission, or the giving of such a notice, would defeat the object of the entry;

(c) the case is one of urgency; or

(d) the premises are unoccupied or the occupier is temporarily absent,

the lay magistrate may by a signed warrant authorise inspectors to enter the premises, if need be by reasonable force.

(7) A warrant under this regulation is valid for one month.

### **Powers of inspectors**

**15.**—(1) Inspectors may—

(a) seize any—

(i) animal;

- (ii) body of an animal and any parts of the body (including the blood and the hide) and any semen, embryo or ovum;
  - (iii) animal protein or feedingstuffs that may contain animal protein; or
  - (iv) milk or milk product,
- and dispose of them or arrange their disposal as necessary;
- (b) carry out any inquiries, investigations, examinations and tests;
  - (c) collect, pen and inspect any animal and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
  - (d) inspect any body of an animal and any parts of the body (including the blood and the hide) and any semen, embryo or ovum;
  - (e) inspect any part of the premises, any equipment, facility, operation or procedure;
  - (f) take any samples;
  - (g) have access to, inspect and copy any records (in whatever form they are held) in order to determine if these Regulations are being complied with, including records kept under the EU TSE Regulation and these Regulations, or remove such records to enable them to be copied;
  - (h) have access to, inspect and check the operation of, any computer and any associated apparatus or material that is or has been in use in connection with any record; and for this purpose may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford the inspectors such assistance as they may reasonably require (including the provision of any necessary passwords) and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away;
  - (i) mark or tag anything (including an animal) whether electronically or otherwise, for identification purposes; and
  - (j) lock or seal any container or store.
- (2) Any person who defaces, obliterates, or removes any mark, tag, seal or lock applied under paragraph (1) is guilty of an offence.
- (3) Inspectors are not personally liable for anything they do—
- (a) in the execution or purported execution of these Regulations; and
  - (b) within the scope of their employment,
- if they acted in the honest belief that their duty under these Regulations required or entitled them to do it; but this does not affect any liability of their employer.

## Notices

- 16.—**(1) If it is necessary for any reason connected with the enforcement of the EU TSE Regulation or these Regulations inspectors may serve a notice on—
- (a) the owner or keeper of any animal;
  - (b) the person in possession of the body or any part of the body of an animal (including the blood and the hide) or any semen, embryo or ovum;
  - (c) the person in possession, or supplier, of any animal protein or feedingstuffs that may contain animal protein; or
  - (d) the owner, or person in possession, of any milk or milk products.
- (2) The notice must be in writing.
- (3) The notice may—
- (a) prohibit or require the movement of any animal onto or from the premises specified in the notice;

- (b) prohibit the movement of any milk or milk products from the premises specified in the notice;
- (c) specify those parts of premises to which an animal may or may not be allowed access;
- (d) require the killing or slaughter of any animal;
- (e) prohibit or require the movement onto or from premises, specified in the notice, of the body or any part of the body (including the blood and the hide) of any animal, any animal protein or feedingstuffs that may contain animal protein and any animal semen, embryo or ovum;
- (f) require the disposal of the body or any part of the body (including the blood and the hide) of any animal, (whether or not it is one that was required to be detained), and any semen, embryo, ovum, milk or milk product as may be specified in the notice;
- (g) require the disposal of any animal protein or feedingstuffs that may contain animal protein or specify how they are to be used; or
- (h) require the recall of any animal protein or feedingstuffs that may contain animal protein.

(4) If inspectors suspect that any premises, vehicle or container to which the EU TSE Regulation or these Regulations apply constitutes a risk to animal or public health, they may serve a notice on the occupier or person in charge of the premises, vehicle or container requiring that person to cleanse and disinfect all or any part of the premises, vehicle or container and any associated equipment.

(5) A notice may specify how it must be complied with and the time limit for compliance.

(6) A notice must be complied with at the expense of the person on whom it is served, and if it is not complied with an inspector may arrange to have it complied with at that person's expense.

(7) A notice served may be amended, suspended, revoked or withdrawn by a further notice.

(8) Failure to comply with a notice is an offence.

### **Notices restricting movement**

**17.—**(1) If a notice is served restricting movement of any animal or product, inspectors may subsequently permit that movement under the authority of a licence.

(2) A person moving anything under the authority of a licence must carry the licence with them during the movement and produce it on demand to an inspector or an officer of the Police Service of Northern Ireland, and failure to do so is an offence.

### **Obstruction**

**18.** A person is guilty of an offence if that person—

- (a) intentionally obstructs an inspector acting under these Regulations;
- (b) without reasonable cause, fails to give to an inspector acting under these Regulations any assistance or information or to provide any facilities that the inspector may reasonably require that person to give or provide for the performance of the inspector's functions under these Regulations;
- (c) gives false or misleading information to an inspector acting under these Regulations; or
- (d) fails to produce a record when required to do so by an inspector acting under these Regulations.

### **Penalties**

**19.** A person guilty of an offence under these Regulations is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term of three months or both; or

- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or both.

**Enforcement**

- 20.**—(1) The Food Standards Agency enforces in slaughterhouses and cutting plants—
- (a) Schedule 7; and
  - (b) paragraphs 1, 3 and 4 of Schedule 8.
- (2) Otherwise these Regulations are enforced by the Department.

**Consequential amendment**

**21.** In Schedule 3 of the Official Feed and Food Controls Regulations (Northern Ireland) 2009(a), in paragraph (a)(viii), for “Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2010” substitute “Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2018”.

**Revocation**

**22.** The Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2010(b) are revoked.

**Transitional Provisions**

**23.** Any notice, licence, approval, authorisation, or registration issued, served, made or granted under the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2010 and which has effect at the coming into operation of these Regulations remains in force as if it were issued, served, made or granted under these Regulations.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 13th December 2018.



*Jackie Robinson*  
A senior officer of the Department of Agriculture, Environment and Rural Affairs

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(a) S.R. 2009 No. 427 to which there are amendments not relevant to these Regulations  
(b) S.R. 2010 No. 406 to which there are amendments not relevant to these Regulations

## SCHEDULE 1

Regulation 5(4)

### TSE REQUIREMENTS

<i>Subject-matter of requirement</i>	<i>Provisions of the EU TSE Regulation basic requirement</i>
1. Prohibition concerning feeding ruminants protein derived from animals	Article 7
2. Removal of specified risk material from carcasses	Article 8 and Annex V
3. Production of products of animal origin from or containing ruminant material	Article 9 and Annex VI
4. Training of persons working in roles relating to TSE's	Article 10
5. Notification requirement	Article 11
6. Restriction on movement and measures to investigate suspect animals	Article 12
7. Measures following confirmation of the presence of a TSE	Article 13 and Annexes III and VII
8. Conditions for the placing on the market of live animals, semen, embryos and ova	Article 15 and Annexes VIII and IX
9. Conditions for the placing on the market of products of animal origin	Article 16 and Annexes VIII and IX
10. Supplementing health certificate information with category classifications	Articles 17 and 18 and Annex IX read with Annex F to Directive 64/432/EEC <sup>(1)</sup> and Annex E to Directive 91/68/EEC <sup>(2)</sup>
11. Conditions for reference laboratories and their functions and duties	Article 19 and Annex X
12. Conditions for sampling and laboratory methods	Article 20 and Annex X

<sup>(1)</sup> Council Directive of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (O.J. No. P121 29.7.1964, p. 1977) last amended by Commission Implementing Decision (EU) 2015/819 (O.J. No. L129 27.5.2015, p. 28)

<sup>(2)</sup> Council Directive of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals (O.J. No. L046 19.2.1991, p. 19), last amended by Commission Implementing Decision (EU) 2016/2002 (O.J. No. L308 16.11.2016, p. 29)

## SCHEDULE 2

Regulation 6(b)

### TSE MONITORING

#### CONTENTS

1. Notification of the body of a caprine animal for the purpose of monitoring under Article 6

2. Arrangements in respect of the body of a bovine animal for the purpose of monitoring under Article 6
3. Persons collecting and delivering the body of a bovine animal
4. Brain stem sampling of the body of a bovine animal (Approved TSE sampling sites)
5. Destruction without sampling
6. Retention and disposal of the body of a bovine animal pending test results
7. Remote Areas
8. Consignment and slaughter of an over-age bovine animal
9. Brain stem sampling of bovine animals (slaughterhouses)
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11. Approval of laboratories
12. Approved TSE sampling sites
13. Retention of products and disposal
14. TSE sampling of ovine, caprine and cervine animals
15. Compensation

#### **Notification of the body of a caprine animal for the purpose of monitoring under Article 6**

1.—(1) For the purpose of monitoring under Article 6, a person who has in their possession, or under their control, the body of a caprine animal aged 18 months or over at death, must—

- (a) within 24 hours from the time when the animal died or was killed or the body came into their possession or under their control notify the death of the animal to a person approved by the Department; and
- (b) detain it until it has been collected by that person approved by the Department,

and failure to do so is an offence.

(2) This paragraph does not apply in relation to caprine animals slaughtered for human consumption or killed in accordance with Schedule 4.

#### **Arrangements in respect of the body of a bovine animal for the purpose of monitoring under Article 6**

2.—(1) For the purpose of monitoring under Article 6, a person who has in their possession or under their control the body of a bovine animal that must be tested for BSE in accordance with point 3(1) of Part I of Chapter A of Annex III to that Regulation must within 24 hours, unless directed otherwise by the Department, identify an approved TSE sampling site that will carry out sampling for the test and either—

- (a) make arrangements with the operator of the sampling site to have it collected and detain the body of the bovine animal until it has been collected; or
- (b) agree with the operator of the sampling site that it can be taken to that site and ensure its arrival at the site within the timeframe stipulated by the operator in accordance with the official document relating to the site approved by the Department under paragraph 12,

and failure to do so is an offence.

(2) The period of 24 hours referred to in sub-paragraph (1) runs from the time when the animal died or was killed or came into the possession or under the control of the person to whom the requirements of sub-paragraph (1)(a) or (b) applies.

#### **Persons collecting and delivering the body of a bovine animal**

3. The operator of an approved TSE sampling site with whom arrangements have been made in accordance with paragraph 2(1)(a) must, unless otherwise directed by the Department, ensure that

the body is collected and delivered to that site in accordance with the official document relating to the site approved by the Department under paragraph 12 and failure to do so is an offence.

#### **Brain stem sampling of the body of a bovine animal (Approved TSE sampling sites)**

4. The operator of an approved TSE sampling site to which the body of a bovine animal has been delivered must—

- (a) take a sample comprising the brain stem for testing in accordance with point 1 of Chapter C of Annex X;
- (b) ensure that the bovine animal from which the sample is taken can be identified; and
- (c) prepare the sample for delivery to an approved testing laboratory,

and failure to do so is an offence.

#### **Destruction without sampling**

5. Any person who destroys the body of a bovine animal to which paragraph 2(1) applies before it has undergone sampling at an approved TSE sampling site, except in accordance with a direction of the Department, commits an offence.

#### **Retention and disposal of the body of a bovine animal pending test results**

6. The operator of an approved TSE sampling site at which the body of a bovine animal has been sampled in accordance with this Part must comply with point 6(3) of Chapter A of Annex III and failure to do so is an offence.

#### **Remote Areas**

7.—(1) The requirements of paragraph 1(1) and 2 do not apply in relation to an animal that has died or been killed on Rathlin Island or the Copeland Islands.

(2) The exemption in sub-paragraph (1) continues to apply even if the body of the animal has been removed from Rathlin Island or the Copeland Islands, as the case may be.

#### **Consignment and slaughter of an over-age bovine animal**

8.—(1) If a bovine animal was born or reared in the United Kingdom before 1st August 1996, it is an offence to —

- (a) consign it to a slaughterhouse which slaughters animals for human consumption (whether the animal is alive or dead); or
- (b) slaughter it for human consumption.

(2) For the purposes of sub-paragraph (1), a bovine animal is deemed to have been born or reared in the United Kingdom before 1st August 1996 unless records held by the Department or any cattle passport in relation to that animal shows either that—

- (a) it was born in the United Kingdom on or after 1st August 1996; or
- (b) it first entered the United Kingdom on or after 1st August 1996.

#### **Brain stem sampling of bovine animals (slaughterhouses)**

9.—(1) The occupier of a slaughterhouse in which a bovine animal specified in point 2 of Part I of Chapter A of Annex III, is slaughtered or (if the animal has been slaughtered at a place other than the slaughterhouse) processed must—

- (a) take a sample comprising the brain stem for testing in accordance with point 1 of Chapter C of Annex X;
- (b) ensure that the animal from which the sample has been taken can be identified; and

(c) arrange for the sample to be delivered to an approved testing laboratory,  
and failure to do so is an offence.

(2) The Department must, notify the occupier of a slaughterhouse if an animal comes into any of the categories specified in point 2(1) of Part I of Chapter A of Annex III (except in the case of a dead animal consigned to a slaughterhouse with a written declaration from a veterinary surgeon that it falls into one of those categories).

(3) In accordance with point 5 of Part I of Chapter A of Annex III, the Department may serve a notice on the occupier of a slaughterhouse requiring them to take a sample from any bovine animal slaughtered there and send the sample for testing in accordance with sub-paragraph (1).

### **Brain stem sampling of the body of a bovine animal (other places of slaughter)**

**10.**—(1) The occupier of a place—

- (a) that, for the purposes of point 4(1)(a) of Annex V, is another place of slaughter; and
- (b) in which a bovine animal covered by point 2 of Part I of Chapter A of Annex III is slaughtered must—
  - (i) arrange for the identified head of the animal to be delivered, under licence, to an approved testing laboratory for sampling and testing in accordance with point 1 of Chapter C of Annex X; and
  - (ii) ensure that the bovine animal from which the head is taken can be identified,

and failure to do so is an offence.

(2) In paragraph (1)(b)(i) “identified” means identified in a manner approved by the Department.

### **Approval of laboratories**

**11.**—(1) The Department may approve laboratories to test samples taken in accordance with this Schedule if it is satisfied that the laboratory—

- (a) will carry out the testing in accordance with Chapter C of Annex X;
- (b) has adequate quality control procedures; and
- (c) has adequate procedures to ensure the correct identification of the samples and notification of the test results to the consigning slaughterhouse and to the Department.

(2) In this Schedule an “approved testing laboratory” means—

- (a) a laboratory approved by the Department under this paragraph; or
- (b) a laboratory approved, under corresponding legislation, elsewhere in the United Kingdom;  
or
- (c) an EU Reference Laboratory; or
- (d) a diagnostic laboratory approved in a member State in accordance with Annex X.

### **Approved TSE sampling sites**

**12.**—(1) The Department must, on written application, approve a sampling site to sample animals to which paragraph 2 applies if it is satisfied that the operator has adequate control procedures and facilities to carry out the sampling.

(2) In this Schedule an “approved TSE sampling site” means a sampling site approved by the Department under this paragraph to carry out TSE sampling.

### **Retention of products and disposal**

**13.**—(1) In relation to a bovine animal from which a sample is taken under paragraph 9 or 10 the occupier of a slaughterhouse, other place of slaughter (for the purposes of point 4(1)(a) of

Annex V), hide market or tannery must, for the purposes of point 6(3) of Part I of Chapter A of Annex III and pending receipt of the test result, either—

- (a) retain the carcass and all parts of the body of that animal (including the blood and the hide) that will have to be disposed of in the event of a positive result; or
- (b) dispose of them in accordance with sub-paragraph (2).

(2) For the purposes of points 6(4) and 6(5) of Part I of Chapter A of Annex III, if a positive result is received for a sampled bovine animal, the occupier must immediately dispose of—

- (a) the carcass and all parts of the body of that animal (including the blood and the hide); and
- (b) unless a derogation has been granted under sub-paragraph (6), the carcass and all parts of the body (including the blood and the hide) of the animal immediately preceding that animal on the slaughter line and the two animals immediately following it,

in accordance with point 6(4) of that Part.

(3) If a sample in respect of a bovine animal, required to be tested under this Schedule, has not been sent to or no sample has been received by an approved testing laboratory for testing in accordance with paragraph 9 or 10, or if a no-test result is received in respect of a sampled bovine animal, the occupier must immediately dispose of—

- (a) the carcass and all parts of the body (including the blood and the hide) of that animal; and
- (b) unless a derogation has been granted under sub-paragraph (6), the carcass and all parts of the body (including the blood but not the hide) of the animal immediately preceding that animal on the slaughter line and the two animals immediately following it,

in accordance with point 6(4) of Part I of Chapter A of Annex III.

(4) For the purposes of sub-paragraph (3) a no-test result means a certification by an approved testing laboratory that the sample sent to the laboratory was not of an adequate quality or was not of a sufficient quantity to obtain a test result or an inconclusive result to the test has been obtained.

(5) If a no-test result in respect of a bovine animal has been received and—

- (a) an approved testing laboratory certifies that subsequent multiple rapid testing of the material has been carried out; and
- (b) a negative result obtained,

the occupier may release the carcass and all parts of the body (including the blood and the hide) of the animal immediately preceding that animal on the slaughter line and the two animals immediately following it.

(6) The Department may grant, in writing, a derogation under point 6(6) of Part I of Chapter A of Annex III if it is satisfied that the slaughterhouse operates a system that prevents contamination between carcasses.

(7) Any person who fails to comply with sub-paragraphs (1) to (3) is guilty of an offence.

### **TSE sampling of ovine, caprine and cervine animals**

**14.**—(1) In relation to an ovine or caprine animal from which a sample is taken, the occupier of a slaughterhouse, hide market or tannery must—

- (a) for the purposes of point 7(3) of Part II of Chapter A of Annex III, retain the carcass and all parts of the body (including the blood and the hide) pending receipt of the test result (except to the extent that point 7(3) permits direct disposal of animal by-products pending receipt of a negative rapid test result); and
- (b) in the event of a positive result, immediately dispose of the carcass and all parts of the body (including the blood and the hide) in accordance with point 7(4) of that Part.

(2) Where—

- (a) An ovine, caprine or cervine animal has died, or has been killed, other than for human consumption; and
- (b) either—

- (i) the death or killing occurred at premises approved, or required to be approved, under Regulation (EC) No. 1069/2009; or
- (ii) the carcase of the ovine, caprine or cervine animal has been taken to those premises,

the occupier of the premises must comply with any direction given by the Department requiring the carcase to be sampled at the premises.

(3) In relation to any cervine animal, selected for monitoring for TSE from which a sample is taken, the occupier of a slaughterhouse, hide market or tannery must—

- (a) retain the carcase and all parts of the body (including the blood and the hide) pending receipt of the test result; and
- (b) in the event of a positive result, immediately dispose of the carcase and all parts of the body (including the blood and the hide) in accordance with point 7(4) of Part II of Chapter A of Annex III.

(4) Any person who fails to comply with sub-paragraph (1), (2) or (3) is guilty of an offence.

### **Compensation**

**15.—**(1) If an animal slaughtered for human consumption and sampled for TSE tests positive, the Department must pay compensation for the carcase and all parts of the body (including the blood and the hide) of—

- (a) that animal; and
- (b) if they are destroyed because of that positive result, the animal immediately preceding it on the slaughter line and the two animals immediately following it.

(2) The compensation is the value of the carcase, established in accordance with the procedure in regulation 12 (reading the word “occupier” wherever “owner” is mentioned), with any nominated valuer’s fee paid by the occupier of the slaughterhouse, hide market or tannery.

## **SCHEDULE 3**

Regulation 6(c)

### **CONTROL AND ERADICATION OF TSE IN BOVINE ANIMALS**

#### **CONTENTS**

1. Control and eradication of TSE - notification
2. Restriction of a notified animal
3. Slaughter of a suspect animal
4. Identification and restriction of offspring and cohorts
5. Action following confirmation of TSE
6. Action where TSE is not confirmed
7. Death while under restriction
8. Prohibitions from placing on the market of bovine progeny
9. When compensation is payable
10. Compensation for a suspect animal
11. Compensation for a cohort animal
12. Compensation for an offspring animal
13. Compensation for Buffalo and Bison
14. Assessment of market value
15. Definitions
16. Returns

### **Control and eradication of TSE - notification**

1.—(1) For the purposes of Article 11, any person who has in their possession or under their charge any bovine animal suspected of being affected by a TSE must immediately notify the Department and detain it on the premises until it has been examined by a veterinary inspector.

(2) Any veterinary surgeon who examines or inspects any such animal must, with all practical speed, notify the Department.

(3) Any person (other than the Department) who examines the body of any bovine animal, or any part of it, in a laboratory and who reasonably suspects the presence of a TSE must immediately notify the Department, and retain the body and any parts of it until a veterinary inspector has authorised disposal.

(4) Failure to comply with this paragraph is an offence.

### **Restriction of a notified animal**

2.—(1) If notification of a suspected bovine animal is given to the Department under paragraph 1, a veterinary inspector may serve a notice prohibiting the movement of that animal from the premises on which it was detained pending determination by a veterinary inspector of whether or not it is suspected of being affected with TSE.

(2) Movement of a restricted animal is only permitted in accordance with regulation 17.

### **Slaughter of a suspect animal**

3.—(1) For the purposes of Article 12(1) and (2), if a veterinary inspector suspects that a bovine animal is affected with TSE, that veterinary inspector must either—

- (a) kill it immediately on the premises on which it is kept; or
- (b) serve a notice prohibiting the animal from being moved from the premises until it has been killed; or
- (c) serve a notice directing the occupier to consign it to other premises for killing and prohibiting movement other than in accordance with that direction; and
- (d) remove any cattle passport relating to it.

(2) The veterinary inspector must restrict the movement of other bovine animals from the premises in question in accordance with the second, third and fifth paragraphs of Article 12(1) as read with Article 2(1)(a) of Commission Decision 2007/411/EC.

(3) The veterinary inspector may restrict the movement of bovine animals on other premises in accordance with the fourth paragraph of Article 12(1).

(4) If the animal is killed on any premises as provided for by this paragraph, it is an offence to remove the body from the premises except in accordance with a licence issued by an inspector.

(5) If the animal to which sub-paragraph (1) applies is not killed immediately, the keeper must dispose of its milk in such a way that it cannot be consumed by a human or an animal other than its own calf or an animal kept for research purposes and any contravention of this sub-paragraph is an offence.

(6) The keeper must maintain the animal at their expense until it is slaughtered or the notice is withdrawn.

### **Identification and restriction of offspring and cohorts**

4.—(1) In accordance with Article 13(2) as read with Article 2(1)(b) and (2) of Commission Decision 2007/411/EC, if—

- (a) an animal is a suspected animal;
- (b) the monitoring of bovine carcasses under Schedule 2 Part I or under Annex III, confirms that an animal is suspected of being affected with TSE; or

- (c) the competent authority of another part of the United Kingdom or a member State notifies the Department that a bovine animal is suspected of being affected with a TSE,

then sub-paragraph (2) applies.

(2) Where this paragraph applies, an inspector must identify—

- (a) (if the suspect animal is female) all its offspring born within two years prior to, or after, clinical onset of the disease; and
- (b) (in all cases) all its bovine cohorts born on or after 1st August 1996.

(3) An inspector must serve a notice prohibiting movement of those animals identified in accordance with sub-paragraph (2) from the premises on which they are kept or where that inspector suspects they are kept (whether or not this is the same premises as that of the suspect animal) and remove any cattle passports.

(4) If the animals in sub-paragraph (2) cannot immediately be identified an inspector may serve a notice prohibiting the movement of any bovine animal from the premises pending identification.

(5) Movements of animals restricted by notice under sub-paragraph (3) are only permitted in accordance with regulation 17.

### **Action following confirmation of TSE**

**5.—(1)** In accordance with Article 13(1)(c), and point 2 of Chapter B of Annex VII as read with Articles 2(1)(b) and 2(2) of Commission Decision 2007/411/EC, if it is confirmed that the suspected animal to which paragraph 4(1) applies was affected with a TSE an inspector must—

- (a) (if the animal is female) kill all its offspring born within two years prior to, or after, clinical onset of the disease; and
- (b) (in all cases) kill all the bovine animals in its cohort born on or after 1st August 1996 except where the inspector is satisfied that—
  - (i) (in all cases) the animal did not have access to the same feed as the affected animal; or
  - (ii) (where the animal is a bull) the animal is continuously kept at, and will not be removed from, a semen collection centre, in which case the killing may be deferred until the end of that animal's productive life.

(2) The appeals procedure in regulation 11 applies to a decision to kill under sub-paragraph (1)(b), and no animal may be killed until—

- (a) receipt of written notification from the person on whom the notice is served that that person has no intention to proceed with an appeal;
- (b) if sub-paragraph (a) does not apply, after the 21 day period for appeal under regulation 11 is completed; or
- (c) if there is an appeal, the appeal is determined or withdrawn.

(3) Where sub-paragraph (1)(b)(ii) applies, it is an offence to remove the animal from the semen collection centre, except in accordance with a licence issued under regulation 17.

(4) If an animal is required to be killed under sub-paragraph (1) but is not to be killed on the premises on which it was kept, an inspector must issue a licence authorising any person who has it in their possession or under their charge to consign it to other premises for killing as specified in the licence and must ensure that any cattle passport relating to it is stamped “Not for human consumption”.

(5) When an animal is killed under this paragraph, it is an offence to remove the carcase from the premises on which it was killed except in accordance with a licence issued under regulation 17.

### **Action where TSE is not confirmed**

6. If the results of all tests carried out to determine whether the suspect animal, to which paragraph 3(1) applies, is affected with a TSE are negative an inspector must remove all the restrictions imposed because of the suspected animal and return any cattle passport which was removed.

### **Death while under restriction**

7. If an animal dies or is killed for any reason while it is under restriction under this Schedule, the person who has it in their possession or under their charge must immediately notify the Department and retain the body on the premises in question until they are directed, in writing, by an inspector to move or dispose of it and it is an offence not to comply with this paragraph or to fail to comply with a direction under it.

### **Prohibitions from placing on the market of bovine progeny**

8. A person must not place on the market the last progeny to which female bovine animals infected with a TSE gave birth during the preceding two year period or during the period that followed the first clinical signs of the onset of the disease.

### **When compensation is payable**

9. The Department must pay compensation—
- (a) when an animal is killed under this Schedule;
  - (b) where an animal to be killed under this Schedule has been valued for the purposes of compensation but dies, or is killed for other reasons, after valuation; or
  - (c) where an animal subject to a movement restriction under this Schedule has to be killed as an emergency and a veterinary surgeon has declared in writing that the animal would otherwise have been fit for human consumption in accordance with Chapter VI of Section I of Annex III to Regulation (EC) No. 853/2004 in which case compensation is the value of the body (including the blood and the hide).

### **Compensation for a suspect animal**

10.—(1) If an animal is killed because it was suspected of being affected with a TSE the compensation is either—

- (a) the market value of the animal; or
- (b) the average market price in respect of the month of the year in which the market value of the animal was determined rounded down to the nearest £1,

whichever is the lesser.

(2) The average market price must be an amount obtained by dividing the total amount of the prices shown in returns, made in accordance with paragraph 16, for a four week period ending on the last Saturday of the month of the year (“the calculation month”) occurring two such months before the month for which the price is being calculated, as having been paid for animals by the total number of the animals stated in those returns to have been sold.

(3) The average market price must be calculated by the Department where returns have been obtained for sales totalling not less than 100 animals during the calculation month.

(4) Where in any calculation month the requirements of sub-paragraph (3) are not met the average market price must be the same amount as that for the most recent previous calculation month for which an average price was calculated in accordance with sub-paragraphs (2) and (3).

(5) For the purposes of sub-paragraphs (2) and (3) animals means commercial grade cows and in-calf heifers, both of which are intended for use in the production of milk.

### **Compensation for a cohort animal**

11. If an animal has been killed because it is a cohort of an animal in which a TSE has been confirmed, the compensation is the market value of the animal.

### **Compensation for an offspring animal**

12. If an animal is killed because it is the offspring of an animal in which a TSE has been confirmed, the compensation is the market value of the animal.

### **Compensation for Buffalo and Bison**

13. For Buffalo or Bison compensation is the market value of the animal.

### **Assessment of market value**

14.—(1) Market value must be assessed before slaughter of the animal in accordance with the procedure in regulation 12.

(2) Assessment of market value must not take account of any sum to which the owner might have become entitled in respect of the animal under any other statutory provision or any retained EU law.

(3) In this paragraph “retained EU law” has the same meaning as in section 6(7) of the European Union (Withdrawal) Act 2018(a).

### **Definitions**

15. The following definitions apply in relation to compensation payable for bovine animals killed under this Schedule—

“average market price” means a price calculated by the Department in accordance with paragraph 10(2), (3) and (4).

“return” means a document furnished to the Department by a person operating a market at a place listed in paragraph 16 which shows for a week ending on a Saturday the number of commercial grade cows and in-calf heifers, both of which are intended for use in the production of milk, sold at that market and the total sale price for such animals in that week at that market.

“suspect animal” means a bovine animal which is suspected of being affected with a TSE.

### **Returns**

16. A return must be furnished to the Department within 7 days from the end of the week to which that return relates, by a person operating a market in animals at any of the following places, that is to say—

Ballymena

Markethill

Omagh

Saintfield.

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(a) 2018 c.16

## CONTROL AND ERADICATION OF TSE IN OVINE AND CAPRINE ANIMALS

### CONTENTS

1. Notification of TSE
2. Restriction of a notified animal
3. Slaughter of a suspect animal
4. Movement restrictions
5. Action where TSE is not confirmed
6. Confirmation of a TSE other than BSE or atypical scrapie in an ovine or caprine animal
7. Use of milk or milk products following confirmation of classical scrapie
8. Inability to exclude BSE in ovine or caprine animals
9. Confirmation of atypical scrapie in ovine or caprine animals
10. Derogation
11. Time for appeals
12. Killing and destruction following confirmation
13. Infected animals from other premises
14. Common grazing
15. Multiple flocks on any premises
16. Change of occupier
17. Introduction of an animal onto any premises
18. Use of ovine germinal products
19. Movement of an animal from any premises
20. Time of movement restrictions
21. Death while under restriction
22. Prohibitions from placing on the market of progeny of a BSE affected ovine or caprine animals
23. Compensation for animals killed or products destroyed following confirmation of TSE
24. Valuations
25. Compensation for milk or milk products compulsorily destroyed in accordance with paragraph 8

#### **Notification of TSE**

1.—(1) For the purposes of Article 11, any person who has in their possession or under their charge an ovine or caprine animal suspected of being affected with a TSE must immediately notify the Department and detain it on the premises until it has been examined by a veterinary inspector.

(2) Any veterinary surgeon who examines or inspects any such animal must, with all practical speed, notify the Department.

(3) Any person (other than the Department) who examines the body of any ovine or caprine animal, or any part of it, in a laboratory and who reasonably suspects the presence of a TSE must immediately notify the Department, and retain the body and any parts of it until a veterinary inspector has authorised disposal.

(4) Failure to comply with this paragraph is an offence.

### **Restriction of a notified animal**

2.—(1) If notification is given to the Department under paragraph 1 in relation to an ovine or caprine animal an inspector may, pending determination by a veterinary inspector of whether or not it is suspected of being affected with a TSE, serve a notice prohibiting the movement of that animal from the premises on which it was detained and the movement of any other ovine or caprine animal onto or from those premises.

(2) Movements of animals restricted under this paragraph are only permitted in accordance with regulation 17.

### **Slaughter of a suspect animal**

3.—(1) For the purposes of Article 12(1) and (2), if a veterinary inspector suspects that an ovine or caprine animal is affected with a TSE, the veterinary inspector must either—

- (a) kill it immediately on the premises on which it was kept;
- (b) serve a notice prohibiting the animal from being moved from the premises until it has been killed; or
- (c) serve a notice directing the occupier to consign it to other premises for killing and prohibiting movement other than in accordance with that direction.

(2) If the animal is killed on any premises in accordance with this paragraph, it is an offence to remove the body from the premises except in accordance with a written direction from an inspector.

### **Movement restrictions**

4.—(1) For the purposes of Article 12(1) and point 2(2) of Chapter B of Annex VII, following suspicion of a TSE in an ovine or caprine animal (“a suspected animal”) (whether in a live animal or through the monitoring under Annex III ), an inspector—

- (a) must serve a notice prohibiting the movement of any other ovine or caprine animal onto or from the premises on which the suspected ovine or caprine animal is kept if the inspector considers that the ovine or caprine animal was exposed to a TSE on those premises;
- (b) may serve a notice prohibiting the movement onto or from any premises of any ovine or caprine animal if there is evidence that the suspected ovine or caprine animal was exposed to a TSE on those premises;
- (c) may serve a notice prohibiting movement onto or from any premises where an animal specified in point 1(b) of Annex VII is kept or where the inspector suspects such an animal is kept; and
- (d) must serve a notice prohibiting the movement of milk or milk products derived from any ovine or caprine animal present on any holding referred to in sub-paragraphs (a) to (c).

(2) Movements of animals or products restricted under this Schedule are only permitted in accordance with regulation 17.

(3) A notice served under paragraph (1)(d) does not prohibit the use of milk or milk products within the premises.

(4) A notice referred to in paragraph (1)(a) to (d) remains in force until one of the paragraphs 5, 6, and 8 applies.

### **Action where TSE is not confirmed**

5. If it is confirmed in any case to which this Schedule applies that a suspected animal was not affected with a TSE, an inspector must, as soon as is reasonably possible, remove all restrictions imposed because of the suspected animal.

### **Confirmation of a TSE other than BSE or atypical scrapie in ovine or caprine animals**

6.—(1) This paragraph applies if it is confirmed that a suspected ovine animal, or a body of an ovine animal monitored under Annex III, is affected with a TSE, and BSE and atypical scrapie is excluded in accordance with the procedure set out in Annex VII, and Annex X, Chapter C, point 3(2).

(2) The Department, after—

- (a) carrying out the inquiry specified in Article 13(1)(b) and point 1(b) of Chapter B of Annex VII; and
- (b) sampling the animals to establish their genotype (if this is necessary),

must decide which of the options set out in point 2.2.2(b) or (c) of Chapter B of Annex VII it intends to exercise.

(3) The Department must then serve a notice on the occupier of the premises in question informing the occupier of which of the options in those points it intends to exercise.

(4) The notice must specify—

- (a) the identity of the animals to be killed and destroyed;
- (b) the identity of the animals (if any) to be slaughtered for human consumption;
- (c) the identity of the animals (if any) that may be retained;
- (d) the identity of any ovum or embryo to be destroyed; and
- (e) the time limit for complying with the notice.

(5) The appeals procedure in regulation 11 applies in relation to any decision under this paragraph.

### **Use of milk or milk products following confirmation of classical scrapie**

7.—(1) This paragraph applies to milk or milk products derived from an ovine or caprine animal that is to be destroyed in accordance with paragraph 6.

(2) Milk or milk products must not—

- (a) be used for feeding ruminants, other than ruminants within the premises; or
- (b) be exported, or allowed to be exported, to a member State or third country as feed for non-ruminants.

(3) Milk or milk products that are to be fed to non-ruminants in the United Kingdom must be—

- (a) accompanied by documentation that clearly states that it must not be fed to ruminants; and
- (b) contained in packaging that is clearly marked “must not be fed to ruminants”.

(4) Feedingstuffs containing these milk or milk products must not be stored on premises where ruminants are kept.

(5) Bulk feedingstuffs containing milk or milk products must not be transported in vehicles that also transport feedingstuffs for ruminants.

(6) Vehicles that have transported bulk feedingstuffs containing milk or milk products must, before being used for the transport of any feedingstuffs intended for ruminants, be thoroughly cleaned so as to avoid cross-contamination, in accordance with a procedure approved by the Department.

(7) Failure to comply with any of sub-paragraphs (2) to (6) is an offence.

### **Inability to exclude BSE in ovine or caprine animals**

8.—(1) This paragraph applies if a TSE is confirmed in a suspected ovine or caprine animal, or a body of an ovine or caprine animal monitored under Annex III, and BSE cannot be excluded by the results of a ring trial carried out in accordance with the procedure set out in Annex X, Chapter C, point 3(2)(c).

(2) The Department, after carrying out the inquiry specified in Article 13(1)(b) and point 1(b) of Chapter B of Annex VII, must serve a notice on the occupier of the premises informing them of its intention to kill and destroy the animals, destroy the embryos and ova and milk or milk products in accordance with Article 13(1)(c) and point 2(3)(a) of Chapter B of Annex VII of that Regulation.

(3) In sub-paragraph (2), “milk or milk products” means the milk or milk products that derived from the ovine or caprine animals that were present on the relevant premises on and from the date on which notice was served under paragraph 4(1)(d).

(4) The appeals procedure in regulation 11 applies in relation to any decision under this paragraph.

### **Confirmation of atypical scrapie in ovine or caprine animals**

**9.**—(1) If the TSE confirmed as atypical scrapie, and BSE is excluded, then the Department, after carrying out an inquiry must serve a notice informing the occupier that the premises will be subject to monitoring in accordance with Annex VII.

(2) The appeals procedure in regulation 11 applies in relation to any decision under this paragraph.

### **Derogation**

**10.**—(1) Subject to sub-paragraphs (2) to (4)—

- (a) the Department may decide to delay the destruction of any animals specified in a notice served under paragraph 6; or
- (b) the occupier of the relevant holding may apply to the Department for a delay in the destruction of any such animals.

(2) The Department must not decide upon, or consent to, a delay unless satisfied that—

- (a) the frequency of ARR allele within the relevant breed or holding is low or absent; or
- (b) a delay is necessary in order to avoid inbreeding.

(3) Subject to sub-paragraph (4), the Department may decide upon, or consent to, a delay of up to five breeding years.

(4) The Department must not decide upon, or consent to—

- (a) any delay, if a breeding ram (other than a ram of the ARR/ARR genotype present within the breed or holding) is on the holding; or
- (b) a delay of more than 18 months in relation to ovine or caprine animals kept for the production of milk or milk products intended for placing on the market.

(5) An application under sub-paragraph (1)(b) must be in writing and must set out in full the reasons for the application.

(6) The Department must provide the applicant with a decision in writing, stating that the Department—

- (a) consents to the application;
- (b) consents in part to the application; or
- (c) refuses the application.

(7) The Department may impose any conditions that it considers to be reasonably necessary in relation to any decision made, or consent granted, under this paragraph.

(8) Unless the Department consents to the application in full, the appeals procedure in regulation 11 applies.

### **Time for appeals**

**11.** The Department must not kill any ovine or caprine animal, or destroy any ovum or embryo, under this Schedule until—

- (a) it has received written notification from the person on whom the notice is served to indicate that person has no intention to proceed with an appeal; or
- (b) if sub-paragraph (a) does not apply after the 21 day period for appeal under regulation 11 is completed; or
- (c) if there is an appeal, the appeal is determined or withdrawn.

### **Killing and destruction following confirmation**

**12.**—(1) An inspector must ensure that any animal specified for killing in the notice in paragraph 6(3), 8(2) or 9(1) is killed and that all the ova and embryos, and milk or milk products specified for destruction in the notice are destroyed.

(2) If an animal to which sub-paragraph (1) applies is not killed on the premises on which it is kept, an inspector must direct the owner in writing to consign it to other premises for killing as specified in the direction.

(3) When an animal has been killed in accordance with this paragraph, it is an offence to remove the body from the premises on which it was killed except in accordance with a written direction from an inspector.

### **Infected animals from other premises**

**13.** For the purposes of point 2(3) of Chapter B of Annex VII, if the infected animal was introduced from any other premises onto the premises where the infection was confirmed, the Department may act in accordance with this Schedule in relation to those other premises in addition to, or instead of, the premises on which infection was confirmed.

### **Common grazing**

**14.** In the case of an infected animal on common grazing, the Department may limit a notice under paragraphs 6(3), or 8(2) to an individual flock or herd.

### **Multiple flocks on any premises**

**15.** Where more than one flock is kept on a premises, the Department may limit a notice under paragraphs 6(3) or 8(2) to an individual flock or herd.

### **Change of occupier**

**16.**—(1) If there is a change in occupation of any premises, the previous occupier must ensure that the new occupier is made aware of the existence and contents of any notice served under this Schedule in relation to those premises, and failure to do so is an offence.

(2) The new occupier must comply with the notice as if that notice was served on that occupier, and failure to do so is an offence.

### **Introduction of an animal onto any premises**

**17.** Any person who introduces an animal onto any premises in contravention of point 3(2) of Chapter B of Annex VII is guilty of an offence.

### **Use of ovine germinal products**

**18.** Any person who uses ovine germinal products in contravention of point 3(3) of Chapter B of Annex VII is guilty of an offence.

### **Movement of an animal from any premises**

19. Any person who moves an animal from any premises in contravention of point 3(4) of Chapter B of Annex VII is guilty of an offence.

### **Time of movement restrictions**

20. For the purposes of point 3(5) of Chapter B of Annex VII the relevant dates must be established by the Department giving written notification of those dates to the occupier of the premises in question.

### **Death while under restriction**

21.—(1) If any animal of 18 months of age or over dies or is killed while it is under restriction for any reason under this Schedule or Annex VII, the owner must immediately notify the Department, and retain the body on the premises where it was kept until they are directed in writing to move or dispose of it by the Department.

(2) It is an offence not to comply with this paragraph or to fail to comply with a direction under it.

### **Prohibitions from placing on the market of progeny of a BSE affected ovine or caprine animal**

22. A person must not place on the market the last born progeny of a BSE confirmed, ovine or caprine animal born during the preceding two-year period or during the period that followed the appearance of the first clinical signs of the onset of the disease.

### **Compensation for animals killed or products destroyed following confirmation of TSE**

23. The Department must pay compensation to the owner of animals killed and products (other than products destroyed in accordance with paragraph 8) destroyed under this Schedule following confirmation of a TSE.

### **Valuations**

24.—(1) If compensation for an animal is to be paid, the valuation of the animal will be the market value of the animal determined in accordance with the procedure in regulation 12.

(2) The nominated valuer must value the animal, milk and milk product at the price that might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal was not from a flock or herd affected by a TSE.

### **Compensation for milk or milk products compulsorily destroyed in accordance with paragraph 8**

25.—(1) The Department must pay compensation in accordance with this paragraph for milk or milk products destroyed pursuant to paragraph 8.

(2) The compensation payable is that which the Department believes might reasonably have been obtained for the milk or milk products on the open market had it not been compulsorily destroyed and had not been milk derived from a flock or herd affected by TSE.

(3) If the owner of the milk or milk products considers the compensation to be unreasonable a valuation must be carried out in accordance with the procedure laid down in regulation 12(3) to (8) with the owner paying any valuation fee arising.

## CONTROL AND ERADICATION OF TSE IN ANIMALS OTHER THAN BOVINE, OVINE OR CAPRINE ANIMALS

### CONTENTS

1. Notification
2. Restriction of a notified animal
3. Slaughter of a suspect animal
4. Compensation for an animal that is not bovine, ovine or caprine slaughtered as a suspect animal

#### **Notification**

**1.—**(1) For the purposes of Article 11, any person who has in their possession or under their charge any animal that is not bovine, ovine or caprine that is suspected of being affected by a TSE must immediately notify the Department and detain it on the premises until it has been examined by a veterinary inspector.

(2) Any veterinary surgeon who examines or inspects any such animal must, with all practical speed, notify the Department.

(3) Any person (other than the Department) who examines the body of any animal that is not bovine, ovine or caprine, or any part of it, in a laboratory and who reasonably suspects the presence of a TSE must immediately notify the Department, and retain the body and any parts of it until a veterinary inspector has authorised disposal.

(4) Failure to comply with this paragraph is an offence.

#### **Restriction of a notified animal**

**2.—**(1) If notification of a suspected animal that is not bovine, ovine or caprine is given to the Department under paragraph 1, an inspector may serve a notice prohibiting the movement of that animal from the premises on which it was detained, pending determination by an inspector of whether or not it is suspected of being affected with a TSE.

(2) Movements of animals restricted under this paragraph are only permitted in accordance with regulation 17.

#### **Slaughter of a suspect animal**

**3.—**(1) For the purposes of Article 12(1) and (2), if a veterinary inspector suspects that an animal that is not bovine, ovine or caprine is affected with a TSE, the veterinary inspector may—

- (a) kill it immediately on the premises on which it was kept;
- (b) serve a notice prohibiting the animal from being moved from the premises until it has been killed; or
- (c) serve a notice directing the occupier to consign it to other premises for killing and prohibit movement other than in accordance with that direction.

(2) If the animal is killed on any premises in accordance with this paragraph, it is an offence to remove the body from the premises or dispose of it except in accordance with a written direction from an inspector.

**Compensation for an animal that is not bovine, ovine or caprine slaughtered as a suspect animal**

4.—(1) The Department may pay compensation where an animal that is not bovine, ovine or caprine is killed under paragraph 3.

(2) The compensation is the market value of the animal at the time it is killed.

(3) For the purposes of this regulation, the market value—

- (a) must be determined in accordance with the procedure in regulation 12;
- (b) must be the price that would reasonably be expected to have been obtained for the animal—
  - (i) from a buyer in the open market;
  - (ii) at the time of the valuation; and
  - (iii) on the assumption that the animal was not affected by a TSE; and
- (c) represents the total amount of compensation payable for that animal.

**SCHEDULE 6  
FEEDINGSTUFFS**

Regulation 6(f)

**CONTENTS**

- 1. Prohibition on feeding animal protein to ruminants
- 2. Prohibition on feeding animal protein to non-ruminants
- 3. Movement prohibitions and restrictions of animals
- 4. Slaughter of an animal
- 5. Compensation
- 6. Slaughter or sale for human consumption

**Prohibition on feeding animal protein to ruminants**

- 1. Prohibition on feeding animal protein to ruminants refer to Annex IV.

**Prohibition on feeding animal protein to non-ruminants**

- 2. Prohibition on feeding animal protein to non-ruminants refer to Annex IV.

**Movement prohibitions and restrictions of animals**

3.—(1) Where an inspector has reasonable grounds to believe that a TSE susceptible animal has been fed or has had access to any material prohibited by Annex IV, the inspector may take the action specified in sub-paragraph (2).

(2) The inspector may—

- (a) serve a notice on the person who has it in their possession or under their charge in accordance with regulation 16 prohibiting or restricting the movement of the animal; and
- (b) if it is bovine seize any cattle passport relating to it.

### **Slaughter of an animal**

4.—(1) Where an inspector has reasonable grounds to believe that a TSE susceptible animal has been fed or has had access to any material referred to in paragraph 3 and prohibited by Annex IV, the inspector may, in accordance with regulation 16, serve a notice on the person who has it in their possession or under their charge..

(2) The notice may either—

- (a) require the person who has it in their possession or under their charge to have it killed and disposed of, as specified in the notice; or
- (b) require the person who has it in their possession or under their charge to keep it on such premises and in such manner as specified in the notice, in which case the inspector must ensure that any cattle passport is stamped with the words “Not for human consumption”.

(3) The inspector must ensure that all the animals specified for killing in the notice in subparagraph (2)(a) are killed and disposed of.

### **Compensation**

5.—(1) Where an animal is killed under paragraph 4, the Department may pay compensation if it considers it appropriate in all the circumstances and must give its decision, in writing, on whether or not to pay compensation.

(2) The appeals procedure in regulation 11 applies in relation to any decision under subparagraph (1).

(3) The compensation for—

- (a) a bovine animal is the value established in accordance with paragraph 10 of Schedule 3;
- (b) an ovine or caprine animal is the value established in accordance with paragraph 24 of Schedule 4; and
- (c) an animal that is not bovine, ovine or caprine is the market value of the animal at the time it is killed, established in accordance with the procedure in regulation 12.

### **Slaughter or sale for human consumption**

6. It is an offence to consign for slaughter for human consumption or to slaughter for human consumption any TSE susceptible animal for which a notice served under paragraph 4 is in place.

## **SCHEDULE 7**

Regulation 6(g)

### **SPECIFIED RISK MATERIAL, MECHANICALLY SEPARATED MEAT AND SLAUGHTERING TECHNIQUES**

#### **CONTENTS**

1. Appointment of the Food Standards Agency as the competent authority
2. Training
3. Mechanically separated meat
4. Pithing
5. Tongue harvesting
6. Head meat harvesting
7. Removal of specified risk material
8. Bovine animals in a slaughterhouse
9. Ovine and caprine animals in a slaughterhouse
10. Bovine, ovine and caprine animals in other places of slaughter

11. Young lamb and goat stamps
12. Removal of spinal cord from ovine and caprine animals
13. Authorisation of cutting plants by the Food Standards Agency
14. Removal of specified risk material at a cutting plant authorised under paragraph 13(1)
15. Meat from a member State
16. Staining and disposal of specified risk material
17. Security of specified risk material
18. Prohibition on the sale, supply or possession for sale or supply of specified risk material for human consumption

### **Appointment of the Food Standards Agency as the competent authority**

1. The Food Standards Agency must carry out the duties placed on the member State in point 11(1) and point 11(2) of Annex V in relation to this Schedule and may grant authorisations for the purposes of point 4(3)(a) of that Annex.

### **Training**

2. The occupier of any slaughterhouse or cutting plant where specified risk material is removed must—

- (a) ensure that staff receive any training necessary to ensure that the occupier complies with their duties under this Schedule; and
- (b) keep records of each person's training for as long as that person works there,

failure to comply with paragraph (a) or (b) is an offence.

### **Mechanically separated meat**

3.—(1) Any person who contravenes point 5 of Annex V (measures concerning mechanically separated meat) is guilty of an offence.

(2) Any person who uses any mechanically separated meat produced in contravention of that point in the preparation of any food for sale for human consumption or of any feedingstuff is guilty of an offence.

### **Pithing**

4. Any person who contravenes point 6 of Annex V (measures concerning laceration of tissue) is guilty of an offence.

### **Tongue harvesting**

5. Any person who contravenes point 7 of Annex V (harvesting of tongues from bovine animals) is guilty of an offence.

### **Head meat harvesting**

6. Any person who contravenes point 8(1) of Annex V (harvesting of bovine head meat) is guilty of an offence.

### **Removal of specified risk material**

7.—(1) Any person who removes specified risk material at any premises or place other than premises or a place where that specified risk material may be removed under point 4(1) or point 4(3)(a) of Annex V is guilty of an offence.

- (2) In the case of a cutting plant, it is an offence to remove—
- (a) any part of the vertebral column that is specified risk material from any bovine animal unless the plant is authorised under paragraph 13(1)(a); or
  - (b) the spinal cord from any ovine or caprine animal aged over 12 months at slaughter or which has a permanent incisor erupted through the gum, unless the plant is authorised for the purpose of such removal under paragraph 13(1)(b).

### **Bovine animals in a slaughterhouse**

**8.**—(1) When a bovine animal is slaughtered in a slaughterhouse or the carcase of a bovine animal is transported to a slaughterhouse following emergency slaughter elsewhere, the occupier of the slaughterhouse must remove all specified risk material (other than those parts of the vertebral column that are specified risk material and specified risk material contained in or attached to offal) as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.

- (2) The occupier must—
- (a) as soon as reasonably practicable after post mortem inspection, consign any offal that has been removed from the carcase and that contains or is attached to specified risk material to an appropriate area of the slaughterhouse; and
  - (b) as soon as reasonably practicable after the offal is consigned there and in any event before the offal is removed from the slaughterhouse, remove the specified risk material.
- (3) The occupier must as soon as is reasonably practicable after slaughter consign any meat containing those parts of the vertebral column that are specified risk material to—
- (a) a cutting plant authorised under paragraph 13(1)(a);
  - (b) a cutting plant authorised under corresponding legislation elsewhere in the United Kingdom; or
  - (c) a member State in accordance with point 10(2) of Annex V.

(4) The occupier must identify meat containing vertebral column that is not specified risk material in accordance with point 11(3)(a) of Annex V and provide information in accordance with point 11(3)(b) of that Annex.

(5) No person may include a blue stripe in the label referred to in Article 13 of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97(a), except in accordance with point 11(3)(a) of Annex V.

(6) Failure to comply with this paragraph is an offence.

### **Ovine and caprine animals in a slaughterhouse**

**9.**—(1) When an ovine or caprine animal is slaughtered in a slaughterhouse or the carcase of an ovine or caprine animal is transported to a slaughterhouse following emergency slaughter elsewhere, the occupier of the slaughterhouse must remove all specified risk material (other than the spinal cord and specified risk material contained in or attached to offal) as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.

- (2) The occupier must—
- (a) as soon as reasonably practicable after post mortem inspection, consign any offal that has been removed from the carcase and that contains or is attached to specified risk material to an appropriate area of the slaughterhouse; and

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(a) O.J. No. L 204, 11.8.2000, p.1, last amended by Regulation (EU) No. 653/2014 of the European Parliament and of the Council (O.J. No. L189, 27.06.2014, p.33)

- (b) as soon as reasonably practicable after the offal is consigned there and in any event before the offal is removed from the slaughterhouse, remove the specified risk material.
- (3) In the case of an ovine or caprine animal aged over 12 months at slaughter, or that has a permanent incisor erupted through the gum, the occupier must as soon as is reasonably practicable after slaughter—
- (a) remove the spinal cord at the slaughterhouse before the post-mortem inspection; or
  - (b) send the carcass to—
    - (i) a cutting plant authorised under paragraph 13(1)(b);
    - (ii) a cutting plant authorised under corresponding legislation elsewhere in the United Kingdom; or
    - (iii) in accordance with point 10(1) of Annex V, a cutting plant located in a member State.
- (4) In sub-paragraph (3)(b)(iii), “cutting plant” means an establishment—
- (a) approved or conditionally approved as such under Article 31(2) of Regulation 882/2004; or
  - (b) operating as such under Article 4(5) of Regulation 853/2004 pending such approval.
- (5) Failure to comply with this paragraph is an offence.

#### **Bovine, ovine and caprine animals, in other places of slaughter**

**10.**—(1) When a bovine, ovine or caprine animal is slaughtered in a place that, for the purposes of point 4(1)(a) of Annex V, is another place of slaughter, the person carrying out the slaughter must remove all specified risk material, as soon as is reasonably practicable after slaughter.

- (2) Failure to comply with this paragraph is an offence.

#### **Young lamb and goat stamps**

**11.**—(1) A young lamb stamp or a young goat stamp may be applied to an ovine or caprine carcass in a slaughterhouse if the animal does not have a permanent incisor erupted through the gum and any documentation relating to the animal does not indicate that it is aged over 12 months at slaughter.

- (2) A young lamb or young goat stamp may be applied by;
  - (a) an inspector; or
  - (b) an occupier of a slaughterhouse or a representative authorised by that occupier.
- (3) The young lamb or goat stamp must mark the meat with a circular mark 5 centimetres in diameter with the following in capital letters 1 centimetre high—
  - (a) “VS”; and
  - (b) in the case of—
    - (i) an ovine animal, “YL”; or
    - (ii) a caprine animal, “YG”.
- (4) A person must not apply a mark resembling the young lamb or goat stamp.
- (5) Subject to sub-paragraph (2) a person must not possess the equipment for applying a young lamb or goat stamp.
- (6) A person who contravenes this paragraph is guilty of an offence.

#### **Removal of spinal cord from ovine and caprine animals**

**12.**—(1) It is an offence to remove the spinal cord or any part of it from an ovine or caprine animal aged over 12 months at slaughter or that had one or more permanent incisors erupted through the gum (other than for the purposes of veterinary or scientific examination) except by—

- (a) longitudinally splitting the whole vertebral column; or
- (b) removing a longitudinal section of the whole vertebral column including the spinal cord; or
- (c) an alternative method approved in accordance with sub paragraph (2)

(2) The Food Standards Agency may approve an alternative method of removal at a specified premises provided that the occupier of that premises demonstrates to the satisfaction of the Agency that—

- (a) the method is appropriate to achieve the objectives;
- (b) the equipment used to carry out the removal is fully effective; and
- (c) the persons using the equipment are properly trained and skilled in its use and maintenance.

### **Authorisation of cutting plants by the Food Standards Agency**

**13.**—(1) If the Food Standards Agency is satisfied that the provision of Annex V and this Schedule will be complied with, the Agency may authorise a cutting plant to—

- (a) remove those parts of the vertebral column of bovine animals that are specified risk material; or
- (b) remove the spinal cord from ovine or caprine animals aged over 12 months at slaughter or which have a permanent incisor erupted through the gum; or
- (c) harvest the head meat from bovine animals in accordance with point 9 of Annex V.

(2) Regulations 7, 9, 10 and 11 apply, but all references to the Department must be construed as references to the Food Standards Agency.

### **Removal of specified risk material at a cutting plant authorised under paragraph 13(1)**

**14.** The occupier of a cutting plant authorised under paragraph 13(1) commits an offence if that occupier fails to, as soon as is reasonably practicable after arrival of meat at the plant, and in any event before the meat is removed from the plant, remove from the meat all specified risk material of a kind to which the authorisation relates.

### **Meat from a member State**

**15.** For the purposes of point 10(1) and point 10(2) of Annex V, where carcasses containing those parts of the vertebral column of a bovine animal that are specified risk material is brought into Northern Ireland from a member State, the importer must send it directly to a cutting plant authorised under paragraph 13(1)(a), and failure to do so is an offence.

### **Staining and disposal of specified risk material**

**16.**—(1) The occupier of any premises where specified risk material is removed commits an offence if that occupier fails to comply with point 3 of Annex V (marking and disposal).

(2) For the purposes of that point—

- (a) staining involves treating the material (whether by immersion, spraying or other application) with a blue colouring agent using a solution of such strength that the staining is clearly visible and remains visible after the specified risk material has been chilled or frozen; and
- (b) the stain must be applied in such a way that the colouring is and remains clearly visible—
  - (i) over the whole of the cut surface and the majority of the head in the case of the head of an ovine or caprine animal and
  - (ii) in the case of all other specified risk material, over the whole surface of the material.

### **Security of specified risk material**

17.—(1) Pending consignment or disposal from the premises or place where it was removed, the occupier of the premises must ensure that specified risk material is adequately separated from any food, feedingstuff or cosmetic, pharmaceutical or medical product and held in an impervious covered container that is labelled as either—

- (a) containing specified risk material; or
- (b) Category 1 animal by-products and including the words “For disposal only”.

(2) The occupier of the premises or place must ensure that the container is thoroughly washed as soon as is reasonably practicable each time that it is emptied, and disinfected before use for any other purpose.

(3) Failure to comply with this paragraph is an offence.

### **Prohibition on the sale, supply or possession for sale or supply of specified risk material for human consumption**

18. It is an offence to sell, supply or possess for sale or supply—

- (a) any specified risk material, or any food containing specified risk material, for human consumption; or
- (b) any specified risk material for use in the preparation of any food for human consumption.

## **SCHEDULE 8**

Regulation 6(h)

### **RESTRICTIONS ON PLACING ON THE MARKET AND EXPORT**

#### **CONTENTS**

1. Placing on the market or export to third countries of bovine products
2. Placing on the market or export to third countries of bovine animals
3. Export to a member State of heads and un-split carcasses
4. Export to third countries of products containing specified risk material
5. Further offences relating to placing on the market and export

#### **Placing on the market or export to third countries of bovine products**

1.—(1) It is an offence for any person to place on the market or to export (or offer to export) to third countries, any products consisting of or incorporating any material (other than milk) derived from a bovine animal born or reared within the United Kingdom before 1st August 1996.

(2) The prohibition in sub-paragraph (1) does not apply to the hides of bovine animals born or reared within the United Kingdom before 1st August 1996 (including hides from bovine animals referred to in the third indent of point 1(a) of Chapter B of Annex VII) that have been used for leather production in accordance with Article 1(3) of Commission Decision 2007/411/EC.

(3) For the purposes of this paragraph, a bovine animal is deemed to have been born or reared in the United Kingdom before 1st August 1996 unless records held by the Department or any cattle passport in relation to that animal show either that—

- (a) it was born in the United Kingdom on or after 1st August 1996; or
- (b) it first entered the United Kingdom on or after 1st August 1996.

### **Placing on the market or export to third countries of bovine animals**

2.—(1) It is an offence for any person to place on the market or to export (or offer to export) to third countries in accordance with Section B of Chapter A of Annex VIII bovine animals born or reared in the United Kingdom before 1st August 1996.

(2) The prohibition in sub-paragraph (1) does not apply to the placing on the market of such animals within the United Kingdom.

(3) For the purposes of this paragraph, a bovine animal is deemed to have been born or reared in the United Kingdom before 1st August 1996 unless records held by the Department or any cattle passport in relation to that animal show either that—

- (a) it was born in the United Kingdom on or after 1st August 1996; or
- (b) it first entered the United Kingdom on or after 1st August 1996.

### **Export to a member State of heads and un-split carcasses**

3. Subject to point 10(2) of Annex V, it is an offence for any person to export (or offer to export) any head or un-split carcase containing specified risk material to a member State in the absence of an agreement of the kind specified in point 10(1) of that Annex.

### **Export to third countries of products containing specified risk material**

4. In accordance with point 10(3) of Annex V, it is an offence for any person to export (or offer to export) heads or fresh meat of bovine, ovine or caprine animals containing specified risk material to third countries.

### **Further offences relating to placing on the market and export**

5. In addition to the offences specified in paragraphs 1 to 4, the following provisions of these Regulations specify offences relating to placing on the market and export—

- (a) paragraph 7 of Schedule 3;
- (b) paragraph 7 of Schedule 4; and
- (c) paragraph 22 of Schedule 4.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations, which apply in Northern Ireland, revoke and remake with amendments the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2010 (S.R. No.406).

These Regulations enforce Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ No L 147, 31.5.2001, p 1) (“the EU TSE Regulation”).

The provisions in Part II identify the TSE controls that are subject to enforcement under these Regulations and introduce Schedules 2 to 8.

Part III deals with administration and enforcement.

Schedule 1 sets out the TSE requirements.

Schedule 2 sets out the requirements for monitoring for TSE and the approval of laboratories and provides for compensation.

Schedule 3 provides for TSE controls and compensation for bovine animals (cattle).

Schedule 4 provides for TSE controls and compensation for ovine and caprine animals.

Schedule 5 provides for TSE controls and compensation for animals that are not bovine, ovine, or caprine animals.

Schedule 6 provides for restrictions to be placed on suspect feedingstuffs and for the slaughter of animals that have had access to unlawful feedingstuffs.

Schedule 7 sets out the controls for dealing with specified risk material and mechanically recovered meat. Slaughtering techniques are specified in the Schedule. The Food Standards Agency are appointed as the competent authority for granting authorisations and carrying out Annex 5 duties provided for in the EU TSE Regulation.

Schedule 8 deals with the export of live bovine animals and products derived from them to other member States and to third countries.

A full impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sector is foreseen.

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